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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,024	06/30/2003	Juhn-Suk Yoo	053785-5129	8361
9629	7590	09/21/2004	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			LEE, HSIEN MING	
			ART UNIT	PAPER NUMBER
			2823	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/609,024	YOO ET AL.	
	Examiner	Art Unit	
	Hsien-Ming Lee	2823	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 7-12 and 18-22 is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) 1-6 and 13-17 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

HSIEN-MING LEE
PRIMARY EXAMINER


Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION***Double Patenting***

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

2. Applicant is advised that should claims 7-12 and 18-22 be found allowable, claims 1-6 and 13-17 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

In particular, claim 1 (device claim) is **substantially duplicate** of claim 7 (method claim) **except only** an additional term "forming" in claim 7 in contrast to claim 1. Claims 7 and 1 are **not** patentably distinct from each other because claim 7 does **not** recite any **patentably distinct processing techniques** to distinguish from claim 1. Without reciting patentably distinct processing techniques, method claim 7 also discloses all the limitations as recited in the device claim 1. The patentably distinct processing techniques can be, for example, forming the gate electrode by CVD depositing a conductive layer and then patterning the conductive layer and forming the semiconductor

layer by doping a p-type impurity into a polysilicon. In addition, claims 2 and 15 are substantially duplicate of claims 8 and 20, respectively. Claims 3-6, 14, 16 and 17 are identical to claims 9-12, 19, 21 and 22, respectively.

Allowable Subject Matter

3. Claims 7-12 and 18-22 allowed.

4. The following is a statement of reasons for the indication of allowable subject matter:

The closest prior art of record, Morita et al. to EP 1326281 (submitted by applicant), in Fig. 2 and Fig.2 and related text, teaches a method of fabricating a light emitting device, comprising:

- forming a gate electrode 5 on a substrate 2;
- forming a gate insulating layer 6 on the substrate 2;
- forming a semiconductor layer 7 on the gate insulating layer 6;
- forming source 9 and drain 10 electrodes on the semiconductor layer 7, wherein the source 9 and drain 10 electrodes are spaced apart from each other and respectively overlap portions of the gate electrode 5, wherein an overlapping area between and the source electrode is **smaller** than an overlapping area the gate electrode between the gate electrode and the drain electrode; and
- forming a passivation layer 12 on the substrate 2 to cover the source 9 and drain 10 electrodes, the passivation layer having a drain contact hole to expose a portion of the drain electrode.

In contrast, the prior art neither teaches nor suggest that an overlapping area between and the source electrode is **larger** than an overlapping area the gate electrode between the gate electrode and the drain electrode passivation layer. The prior art also does not teach that the first electrode is electrically connected to the drain electrode through the drain contact hole; forming an organic light emitting layer on the first electrode; and forming a first electrode on the forming a second electrode on the organic light emitting layer.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee et al. to US 2004/0009627 teach a related invention (see Fig.2).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hsien-Ming Lee whose telephone number is 571-272-1863. The examiner can normally be reached on Tuesday-Thursday (8:00 ~ 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on 571-272-1855. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hsien-Ming Lee
Primary Examiner
Art Unit 2823

HSIEN-MING LEE
PRIMARY EXAMINER
Lee

Sep. 16, 2004